HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.23805 of 1997

Dated: 09-03-2007

Between:

1. C.Sashi Kumar, son of Sriramulu,
   aged 33 years, cultivation,
   resident of Kanomolapalli,
   Sidhout Mandal, Cuddapah District
   and another.

… Petitioners

And

1. The Collector, Cuddapah District,
   Cuddapah and 3 others.

…Respondents

* * *

ORDER:

In this writ petition the petitioners seek direction by way of writ of Mandamus not to dispossess them from their lands admeasuring Ac.1-81 cents, Ac.0-25 cents, Ac.3-00 cents, Ac.4-03 cents, Ac.3-53 cents and Ac.1-40 cents comprised in survey Nos.38/1, 41/3, 39/1, 39/2, 40/2 and 41/1A of Kanemolapalli village of Sidhout Mandal, Cuddapah District.

2. In the affidavit filed in support of the writ petition it is stated that the petitioners are landless poor persons and they have purchased the above said lands on 29th August 1988 from its original owners and possessors. It is also stated that the Mandal Revenue Officer, Sidhout, has passed orders of eviction under the provisions of the A.P. Assigned Land (prohibition of transfer) Act, 1977 and as against the said orders dated 23.3.1990, the petitioners have preferred appeal before the appellate authority i.e., Revenue Divisional Officer, Rajampet. Though the appeal is pending consideration, without considering the said appeal, the respondents are taking steps for their dispossession.

3. At the stage of admission, this Court granted interim order dated 19.9.1997 and the said orders are continued till now. Though a copy of appeal grounds is filed along with the writ petition, but, however, it is submitted by the learned Government Pleader appearing for the respondents that copy of appeal grounds are not available with the

respondents and in fact they filed only a representation on 10.6.1999 seeking regularisation.

4. Under the provisions of the A.P. Assigned Land (prohibition of transfer) Act, 1977, a remedy of appeal is provided before the Revenue Divisional Officer against the orders of the eviction passed by the primary authority.

5. As it is the case of the petitioner that they are small farmers and purchased the above said lands for a valuable consideration bona fidely, I dispose of the writ petition permitting the petitioners to prefer fresh appeal within a period of six weeks from the date of receipt of this order before the second respondent. If such fresh appeal is preferred questioning the orders of eviction passed by the Mandal Revenue Officer, Sidhout Mandal, Cuddapah District, in proceedings Rc.No.A/26390, dated 23.3.1990 within the period stipulated above, the appellate authority shall receive the appeal and pass appropriate orders. Till the appellate authority passes orders, the respondents are directed not to dispossess the petitioners from the lands in question. It is also made clear if no such appeal is preferred within the time indicated in this order, it is open for the respondents to take steps in accordance with law.

6. Subject to the above direction, the writ petition is disposed of. No order as to costs.

_____

(R.SUBHASH REDDY, J.)

Date: March 9, 2007.
BSB